

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HILARY REMIJAS, on behalf of herself and)
all others similarly situated,) 1:14-cv-01735
)
Plaintiff,) Judge James B. Zagel
)
v.)
)
THE NEIMAN MARCUS GROUP, LLC, a)
Delaware limited liability company,)
)
Defendant.)

**DEFENDANT NEIMAN MARCUS GROUP'S MOTION
TO DISMISS PLAINTIFF'S COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), Defendant The Neiman Marcus Group LLC (“Neiman Marcus”) hereby moves to dismiss with prejudice all claims against it in plaintiff’s complaint (the “Complaint”). The grounds for this motion are as follows:

1. Plaintiff lacks Article III standing because her allegations do not establish any present or certainly impending future injury. She does not allege that her credit card information was actually stolen, does not allege that she herself experienced any unauthorized bank account withdrawals and/or bank fees, and does not allege that she suffered actual financial loss from unreimbursed fraudulent charges. Because plaintiff lacks Article III standing, the Court does not have jurisdiction to hear the claims in the Complaint, and should dismiss all claims in the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(1).

2. The Complaint fails to state a claim under Federal Rule of Civil Procedure 12(b)(6) because it fails to allege that plaintiff suffered any actual damages, which is a necessary element of claims for breach of implied contract and for violations of the Illinois Consumer Fraud and Deceptive Business Practices Act (“Consumer Fraud Act”). In addition, the Complaint fails to allege any act, statement, or nondisclosure by Neiman Marcus that is misleading, which is required to state a claim under the Consumer Fraud Act.

Further support for these arguments is set forth in the accompanying Defendant Neiman Marcus Group’s Memorandum in Support of Motion to Dismiss the Complaint.

Dated: April 2, 2014

Respectfully submitted,

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Counsel for Defendant The Neiman Marcus Group LLC

CERTIFICATE OF SERVICE

I, Daniel Craig, an attorney, hereby certify that on April 2, 2014, I caused the foregoing Defendant Neiman Marcus Group's Motion to Dismiss Plaintiff's Complaint to be served on all counsel of record through the Court's ECF system.

By: /s/ Daniel Craig
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